

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

**Saied Allan Afshari,
a/k/a Allan S. Afshari, a/k/a S. Allan Afshari,
and Polina Afshari, a/k/a Polina Vinogradov,**

Chapter 7

Debtor(s).

BK 03-47250 NCD

UNITED STATES TRUSTEE'S NOTICE OF HEARING AND MOTION TO COMPEL

COMES NOW the United States Trustee through his undersigned attorney, Robert B. Raschke, and moves the Bankruptcy Court to compel the debtors, Saied Allan and Polina Afshari, to provide financial information requested by the United States Trustee. In support of his motion, he states the following:

1. A hearing has been scheduled in this matter at 11:30 a.m. on February 18, 2004, before the Honorable Nancy C. Dreher, Courtroom No. 7 West, U.S. Bankruptcy Court, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.
2. Any response to this motion must be filed and delivered not later than February 12, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than February 6, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
3. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, FED. R. BANKR. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The

petition commencing this Chapter 7 case was filed on October 15, 2003. The case is now pending in this court.

4. This motion arises under 11 U.S.C. § 105(a) and FED. R. BANKR. P. 9013. This motion is filed under FED. R. BANKR. P. 9014 and Local Rules 9013-1, 9013-2, and 9013-3.

5. On January 6, 2004, the United States Trustee wrote to the debtors for additional financial information. *See* Att. Ex. 1.

6. The debtors have failed to provide the information requested by the United States Trustee.

7. The United States Trustee requests that the Bankruptcy Court compel the debtors to provide the financial information requested in the United States Trustee's January 6, 2004 letter.

8. Local Bankruptcy Rule 2020-1(b) requires that the debtor comply with all reasonable requests for information made by the United States Trustee.

WHEREFORE, the United States Trustee respectfully requests that the Bankruptcy Court order the debtors to provide the financial information requested in the United States Trustee's January 6, 2004 letter.

Dated: January 28, 2004

HABBO G. FOKKENA
United States Trustee
Region 12

By: /s/ Robert B. Raschke
Robert B. Raschke, 161081
Assistant U.S. Trustee
United States Trustee's Office
1015 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5500



U. S. Department of Justice

Office of the United States Trustee

*Districts of Minnesota, North Dakota,
South Dakota and Iowa*

U.S. Courthouse, Suite 1015

612 / 664-5500

300 South Fourth Street

FAX 612 / 664-5516

Minneapolis, MN 55415

January 6, 2004

John Lamey
600 Inwood Avenue North
Suite 200
Oakdale, MN 55128

Re: Saied & Polina Afshari
Bky 03-47250

Dear Mr. Lamey:

According to the Court's file, you represent Saied & Polina Afshari, who recently filed a chapter 7 bankruptcy case in this district. This case has been selected by the United States Trustee for a more thorough review of the statements and schedules.

Please ask your clients to provide the following additional information, which should be sent to my attention by January 16, 2004.

- 1) Copies of October 2002 through October 2003 bank statements and check registers for all accounts owned by the debtors during this period.
- 2) Copies of tax returns filed by the debtors for 2000, 2001, and 2002.
- 3) Schedule E lists two student loan debts totaling \$52,500. Please advise when these debts were incurred, and how the proceeds were used.
- 4) Schedule F lists a debt with the Boeing Company for \$100,000. Please provide a detailed explanation as to the nature of this debt.
- 5) Schedule F lists a debt with the IRS for \$22,000. Please advise as to the employment or business that gave rise to this obligation.
- 6) Schedule F lists a debt with National Student Loan for \$8,367. The debtors state that the recipient of the loan never attended class. Please advise when the debt was incurred, and how the proceeds were used.

John Lamey

Page 2

If you have questions about this request, please call me. Thank you for your cooperation.

Yours truly,

A handwritten signature in black ink, appearing to read "Robert B. Raschke". The signature is stylized with a large, looped "R" and a cursive "B".

Robert B. Raschke

Assistant United States Trustee

cc: John Stoebner, Chapter 7 Trustee

Saied & Polina Afshari
5525 Mirror Lake Drive
Edina, MN 55436

VERIFICATION

I, Robert B. Raschke, Assistant United States Trustee, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Dated: January 28, 2004

/s/ Robert B. Raschke
Robert B. Raschke
Assistant U.S. Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

**Saied Allan Afshari,
a/k/a Allan S. Afshari, a/k/a S. Allan Afshari,
and Polina Afshari, a/k/a Polina Vinogradov,**

Chapter 7

Debtor(s).

BK 03-47250 NCD

MEMORANDUM OF LAW

The United States Trustee submits this Memorandum of Law in support of his motion to compel the debtor to amend the bankruptcy petition.

Under Section 105(a), the Bankruptcy Court "may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a). The United States Trustee requests that the Bankruptcy Court issue an order compelling the debtor to provide the financial information requested in the United States Trustee's January 6, 2004 letter.

Authority to Request Disclosure

Local Bankruptcy Rule 2020-1(b) provides: "The trustee and the debtor shall comply with all reasonable requirements promulgated by the United States Trustee with respect to filing reports and furnishing information and the debtor shall cooperate with the trustee and the United States Trustee in furnishing information reasonably required for the proper administration of the estate. Such reports and information shall be filed with the clerk."

In the present case, the debtors have failed to provide the financial information requested in the United States Trustee's January 6, 2004 letter.

Conclusion

The United States Trustee requests that the Bankruptcy Court require the debtor to provide the financial information requested in the United States Trustee's January 6, 2004 letter.

Dated: January 28, 2004

HABBO G. FOKKENA
United States Trustee
Region 12

By: /s/ Robert B. Raschke
Robert B. Raschke, 161081
Assistant U.S. Trustee
United States Trustee's Office
1015 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5500

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

**Saied Allan Afshari,
a/k/a Allan S. Afshari, a/k/a S. Allan Afshari,
and Polina Afshari, a/k/a Polina Vinogradov,**

Chapter 7

Debtor(s).

BK 03-47250 NCD

Certificate of Service

The undersigned hereby states under penalty of perjury that she is an employee of the Office of the United States Trustee and that on January 28, 2004, she served the following: United States Trustee's Notice of Hearing and Motion to Compel, Verification, Memorandum of Law, and proposed Order, on the entities listed below by first class mail.

Addresses:

Saied Allan and Polina Afshari
5525 Mirror Lake Drive
Edina, MN 55436

John D. Lamey
600 Inwood Avenue North, Suite 200
Oakdale, MN 55128

John R. Stoebner
2500 One Financial Plaza
120 South Sixth Street
Minneapolis, MN 55402



**Office of the United States Trustee
Emily Rohr**

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

**Saied Allan Afshari,
a/k/a Allan S. Afshari, a/k/a S. Allan Afshari,
and Polina Afshari, a/k/a Polina Vinogradov,**

Chapter 7

Debtor(s).

BK 03-47250 NCD

ORDER

At Minneapolis, Minnesota, the _____ day of _____, 2004, the United States Trustee's Motion to Compel came before the undersigned. Appearances are noted in the record.

Based on the pleadings, files the arguments of parties, the findings of fact and conclusions of law made on the record, the Court being fully advised of the premises –

IT IS HEREBY ORDERED:

Within twenty (20) days from the entry of this Order, the debtors shall provide the following financial information to the United States Trustee:

1. Copies of October 2002 through October 2003 bank statements and check registers for all accounts owned by the debtors during this period.
2. Copies of tax returns filed by the debtors for 2000, 2001 and 2002.
3. Information regarding when the student loans listed on Schedule E were incurred and how the proceeds were used.

4. Information regarding the debt owing to the Boeing Company in the amount of \$100,000, including but not limited to when the debt was incurred and how the proceeds were used

The Honorable Nancy C. Dreher
United States Bankruptcy Court